

No. 9(1)-81-8 Lab/1628.— In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Supreme Industries, B-6, M.I.E., Bahadurgarh :—

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK.

Reference No. 88 of 78

between

SHRI RAJINDER PARSHAD, WORKMAN AND THE MANAGEMENT OF M/S SUPREME INDUSTRIES, B-6, M. I. B., BAHADURGARH

Present :—

Shri Rajinder Singh, for the workman.

Shri S. N. Hasija, for the management.

A W A R D

This reference has been referred to this court by the Hon'ble Governor,—vide his order No. RTK/55-78/25899, dated 14th June, 1978, under section 10(i)(c) of the Industrial Disputes Act, for adjudication of the dispute existing between Shri Rajinder Parshad, workman and the management of M/s Supreme Industries, Bahadurgarh. The term of the reference was :—

“Whether the termination of Shri Rajinder Parshad was justified and in order ? If not, to what relief is he entitled ?”

The parties appeared in response to the notices sent to them on 11th September, 1978, filed their respective pleadings, on the basis of which issues were framed on 9th November, 1978. The evidence of the workman was recorded and closed on 11th April, 1979 as *ex parte*. The *ex parte* passed against the management was set aside on 11th July, 1979. The cross examination of WW-1 was recorded on 16th August, 1979. The cross examination of WW-2 was recorded on 10th October, 1979. The evidence of the management was recorded on 14th November, 1979. The parties arrived at a mutual amicable settlement. The statement of the parties were recorded on 13th March, 1980. By the terms of the settlement the workman was paid Rs. 600 in full and final settlement of his entire dispute including his right of reinstatement. The reference is answered and returned in the above terms.

Dated the 29th January, 1981.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endst. No. 288, dated the 6th February, 1981

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 9(1) 81-8Lab/1813.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. The Superintending Engineer (OP) Circle H. S. E. Board Rohtak.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK.

Reference No. 51 of 80

between

SMT. KUSAM GAUBA, WORKMAN AND THE MANAGEMENT OF M/S THE SUPERINTENDING ENGINEER (OP) CIRCLE, H.S. E. B., ROHTAK.

Present :—

Shri R. L. Malhotra, for the workman.

Shri N. P. Singh, for the management,

AWARD

This reference has been referred to this court by the Hon'ble Governor—*vide* his order No. ID/RTK/50-79/11317, dated the 3rd March, 1980 u/s 10 (i) (c) of the I. D. Act, for adjudication of the dispute existing between Smt. Kusam Gauba and the management of M/s H. S. E. B., Rohtak. The term of the reference was:—

"Whether the termination of services of Smt. Kusam Gauba was justified and in order? If not, to what relief is she entitled?"

On the receipt of the order of reference notices as usual were sent to the parties who appeared in response to the same. The workman filed her statement of claim on 3rd June, 1980, and the management filed their written statement on 3rd October, 1980. The case was then fixed for filing of the rejoinder and framing of issues on 2nd December, 1980. After one adjournment for settlement on 2nd January, 1981, the parties reached a settlement. The statements of the authorised representative of the parties were recorded as under:—

Statement of Shri N. P. Singh representative of the management:—

"The management is ready to take the official back on duty on the same terms and conditions and intervening period will be regularised as permissible under the rules."

Statement of Shri R. L. Malhotra, representative of the workman:—

"I have heard the statement of the authorised representative of the management and accept the same as correct. Award may be made accordingly."

In view of their statements no further adjudication is required as the parties have settled the dispute referred to this court amicably. The reference is answered and returned in the above terms.

Dated the 7th February, 1981.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

Endst. No. 333, dated the 11th February, 1981.

Forwarded (four copies) to the Secretary to Govt. of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the I. D. Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

The 17th March, 1981

No. 9(1)81-8 Lab/2586.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s (i) Chairman, Haryana State Agricultural Marketing Board, Chandigarh. (ii) Administrator, Market Committee, Bhiwani.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT HARYANA, ROHTAK

Reference No. 302 of 78

between

SHRI SURINDER KUMAR, WORKMAN AND THE MANAGEMENT OF M/S (i) CHAIRMAN, HARYANA STATE AGRICULTURAL MARKETING BOARD, CHANDIGARH (ii) ADMINISTRATOR, MARKET COMMITTEE, BHIWANI.

Present :—

Shri Sagar Ram Gupta, for the workman.

Shri Om Parkash Lohriwala, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor, — vide his order No. ID/HSR/41-78/49296, dated 3rd November, 1978 under section 10(i) (c) of the I.D. Act for adjudication of the dispute existing between workman Shri Surinder Kumar, and the management of M/s Market Committee, Bhiwani. The term of the reference was:—

Whether the termination of services of Shri Surinder Kumar, was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference notices as usual were sent to the parties who put in their appearance in response to the same and filed their respective pleadings, on the basis of which following issues were framed:—

1. Whether the applicant does not fall within the definition of the workman as defined in section 2(s) of the I.D. Act?
2. Whether the provisions of the I.D. Act, are not applicable to the respondent?
3. Whether this court has no jurisdiction to entertain the present reference?
4. Whether the applicant is estopped from persuming the claim as per reference?

The management examined Shri Prithi Pal Singh, Secretary respondent as their sole witness and closed their case. The workman did not propose to lead any evidence and closed his case. I heard the learned representative of both the parties and give my findings as under:—

Issue No. 1 to 4

The management did not lead any evidence on issues nor they pressed these issues during the course of arguments and only relied on the documents as Ex. MW- 1/1 to MW-1/3. From these documents it is quite obvious that the workman put in more than one year of continuous service. He was appointed on 10th August, 1976 and was terminated on 19th September, 1977,—vide order Ex. MW-1/3 and from the order of termination it is also clear that the workman has not been given any notice or notice pay nor any retrenchment compensation was paid at the time of termination and as such violated the provisions of section 25 (f) of the I.D. Act. It is a well settled rule of law that when a workman is to be retrenched who has put in one year or more of continuous service, the employer will have to comply with the conditions laid down in section 25(F) of the I.D. Act and if these conditions are not complied with, the order of termination will be rendered void *ab initio* and workman will be entitled to reinstatement with full back wages. The evidence of the management is sufficient to prove the case of the workman because in his cross examination the management witness had admitted that neither any notice or any notice pay nor the retrenchment compensation was paid to the workman at the time of his termination. It is also admitted fact that the workman was reinstated w. e. f. 16th April, 1980.

I, therefore, in view of my findings above decided all the issues against the management and in favour of the workman and set aside the order of termination which is void, *ab initio* and not operative at all entitling the workman for reinstatement and for full back wages. As the workman has already been reinstated on 16th April, 1980, I further hold that the workman is entitled to the relief of back wages for the period 19th September, 1977 the date of his termination to 15th April, 1980 the period for which the workman remained out of employment. Reference is answered and returned in the above terms.

Dated the 28th February, 1981.

BANWARI LAL DALAL,

Presiding Officer,

Labour Court, Haryana, Rohtak.

Endst. No. 587,

dated the 6th March, 1981

Forwarded (four copies) to the Secretary to Govt. of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the I.D. Act.

BANWARI LAL DALAL,

Presiding Officer,

Labour Court, Haryana, Rohtak.